



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,830	01/11/2000	KURT H LOHSE	LOHSE-1	7571
7590	10/21/2004		EXAMINER	
LEONARD TACHNER A PROFESSIONAL LAW CORPORATION 17961 SKY PARK CIRCLE SUITE 38-E IRVINE, CA 926146364			LASTRA, DANIEL	
			ART UNIT	PAPER NUMBER
			3622	
			DATE MAILED: 10/21/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/482,830	LOHSE, KURT H
	Examiner DANIEL LASTRA	Art Unit 3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 02 July 2004.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 3-7 and 15-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 3-7 and 15-17 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date, \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

### **DETAILED ACTION**

1. Claims 3-7, 15 and 16 have been examined. Application 09/482,830 (Method for providing discount incentives to potential customers who wish to make an immediate purchase) has a filing date 01/11/2000.

#### ***Response to Amendment***

2. In response to the Final Rejection Action dated 04/05/04, the Applicant filed an RCE and amended claims 3-6, 15, 16 and added new claim 17. Applicant amendment overcame the Section 112 rejection.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scroggie et al (U.S. 6,014,634) in view of Deaton et al (U.S. 6,516,302).

As per claim 15, Scroggie et al teach:

A method for providing discount incentives to potential customers *based upon the value of a non-specific product purchase* including the steps of:

a. establishing a website for a set of providers to set their respective discount parameters (column 4, lines 1-6; 25-30);

b. providing access to said website by a potential customer for selecting a provider from said set of providers (see column 3, lines 10-50).

Scroggie fails to teach:

c. transmitting *only* a customer spending amount to said website by said potential customer *without indicating the specific goods to be purchased*;

d. querying said provider's discount parameters to establish whether said provider has a discount parameter matching said potential customer's spending amount; and

e. determining whether a provider's discount parameters match said customer spending amount and (1) returning to step (b) if no match is found, and (2) presenting a website display of a customer discount coupon corresponding to said discount parameters for printout by said potential customer for subsequent redemption if a match is found.

However, De Lapa teaches a focused coupon system that recites "The consumer may also be provided with an optional survey, inquiring into the size and makeup of the household as well as the shopping preferences of the member. Focused coupon system selects a plurality of coupons for each member based upon that member data and mails a coupon packet...The system may also distribute in-store coupons, providing discounts against total purchases from the store or a particular department. Because the coupons are selected according to particular consumption needs of the member, average redemption rates will be higher than a mass marketing program" (see column 4, lines 32-50). "It is not necessary that coupon 48 pertain only to a particular product.

Alternatively, it could apply to a purchase from the participating retailer above a set amount" (see column 6, lines 40-49; figure 2). Also, De Lapa teaches "In order to determine whether an optional coupon is assigned to particular member, answers provided by the member to the survey are examined for appropriate relationships. Thus, answers are examined in order to determine whether a coupon is appropriate rather than attempting to locate coupons which correlate with particular answers rendered by the member" (see column 15, lines 46-52). Scroggie teaches about a dynamic coupon creation system where coupons are created in real time using information provided by the consumer at his or her remote location. The total amount of savings and the terms for receiving savings are created in real time depending upon the information that the customer inputs (see column 10, line 26 - column 11, line 8). Also, Scroggie teaches "The purchasing incentives are delivered to the consumer by electronic mail for subsequent printing of a coupon...This approach allows producing targeted, time phased incentives based on the consumer's actual buying patterns and preferences" (see column 13, lines 40-45). Also "Subsequently, when the consumer visits the personal page, as indicated at 610, he or she has an opportunity to select personal preferences as to the content of the page...On each visit to the personal page, the consumer may be asked additional questions concerning demographic, personal purchase preferences, and so forth and the responses being used to update the personal database...When visiting the personal page, the consumer may select any of the incentives or offers displayed" (see column 14, lines 30-47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was

made, to know that users of the Scroggie system would enter their consumption needs, such as the amount proposed to be spent at a future visit and the system would create in real time the coupon with the corresponding discount that correlates with the specific customer's expected total purchase amount, as taught by De Lapa (see figure 2). The Scroggie dynamic coupon creation system would generate a different coupon depending upon the customer's expected spending amount, serving as a better targeting tool and incentive for customers to visit the store and purchase products.

As per claim 4, Scroggie et al teach:

The method recited in claim 15 further comprising the step of establishing a data file of coupon generation for each said provider (see column 4, lines 1-6).

As per claim 5, Scroggie et al teach:

The method recited in claim 15 further comprising the step of including at least one verification number on each said discount coupon (see figure 11).

As per claim 6, Scroggie et al teach:

The method recited in claim 15 further comprising the step of displaying a search page at said website for permitting a potential customer to search for a provider based upon selected criteria (see columns 3-4).

As per claim 7, Scroggie et al teach:

The method recited in claim 6 wherein said search criteria comprise at least one criterion taken from the group consisting of location, nature of products offered, nature of services offered and timing of provider registration at said website (see columns 3-4).

As per claim 16, Scroggie teaches:

A method for providing discount incentives to potential customers *based upon the value of a non-specific product purchase*, the method comprising the steps of:

a. establishing a website for a set of providers to set their respective discount parameters (column 4, lines 1-6; 25-30);

b. providing access to said website by a potential customer for selecting a provider from said set of providers (see column 3, lines 10-50).

Scroggie fails to teach:

c. transmitting to said website by said potential customer *only* a minimum amount proposed to be spent at a future visit to said selected provider *without indicating the specific goods to be purchased*.

d. querying said selected provider's discount parameters to establish whether said provider has a discount parameter corresponding to said potential customer's proposed spending amount; and

e. determining whether a provider's discount parameters correspond to said customer spending amount and (1) returning to step (b) if no correspondence is found, and (2) presenting a website display of a customer discount coupon corresponding to said discount parameters for printout by said potential customer for subsequent redemption if a correspondence is found. However, the same rejection applied to claim 15 is applied to claim 16.

As per claim 17, Scroggie fails to teach:

The method recited in claim 16 wherein step e) further comprises also presenting on said web display coupon a higher discount parameter based upon a larger amount to

be spent at said future visit to said selected provider to give said potential customer incentive to spend more than said minimum amount. However, De Lapa teaches a coupon system where consumers receive \$10 off on any purchase greater than \$100 and \$5 off on any purchase greater than \$50 (see figure 2). Also, De Lapa teaches "Focused coupon system is intended to induce each member to shop at the retailer participating in system 15 and to increase the total purchases from that retailer. This may be accomplished by assigning higher coupon values to non-customers of the participating retailer than to regular established customers, in order to further induce the consumer to the retailer's store" (see column 5, lines 10-18). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that users of the Scroggie system would enter their consumption needs, such as the amount proposed to be spent at a future visit and the system would create in real time higher discount coupons to induce consumers to spend more than their expected total purchase amount, as taught by De Lapa (see figure 2). The Scroggie dynamic coupon creation system would generate a different coupon depending upon the customer's expected spending amount, serving as a better targeting tool and incentive for customers to visit the store and purchase products.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scroggie et al (U.S. 6,014,634) in view of De Lapa (US 5,822,735) and further in view of the article [YahooAddsMaps of 50 Cities](#).

As per claim 3, Scroggie et al fail to teach:

The method recited in claim 15 wherein said step (e) further comprises the steps of generating a map indicating the location of said selected provider and adding said map to said website display. However, the article YahooAddsMaps of 50 Cities teaches that any website which contains location content can easily add mapping features and services (see paragraph 3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Scroggie would include mapping capabilities to guide customers to the stores where they would redeem the coupons.

***Response to Arguments***

4. Applicant's arguments with respect to claims 4-7 and 15-17 have been considered but are moot in view of the new ground(s) of rejection.

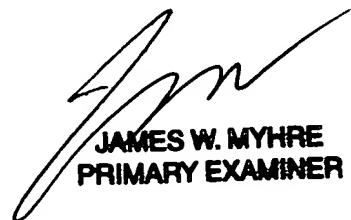
***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL  
Daniel Lastra  
October 5, 2004



JAMES W. MYHRE  
PRIMARY EXAMINER